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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,279	05/31/2001	Eugene C. Nelson	32668	8624
116	7590	11/17/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			STIMPAK, JOHNNA	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/871,279		NELSON, EUGENE C.	
	Examiner		Art Unit	
	Johnna R. Stimpak		3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The following is a final office action upon examination of application number 09/871,279. Claims 2, 5 and 7 have been cancelled. Claims 1, 3, 4, 6 and 8-10 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 4, 6 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Raissyan et al, US 5,703,935.

As per **claim 1**, Raissyan et al teaches a first questioning series of core item questions developed to support a survey purpose (column 8, lines 55-60 – the caller responds to the system offering collect calls by telephone keypad input); and a second questioning series of drill-down questions, wherein each of the drill-down questions is associated with one of the core item questions and is presented only when a response to the associated core item question meets specified criterion (column 8, line 55–60 and column 10, lines 32-65 – caller is diverted through

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a subprocess for implementing the collect call wherein questions are asked and upon answering another question is asked to collect all pertinent information to make the collect all), wherein the system is one of an automated questioning and recording system and an agent questioning and recording system, wherein the system is able to switch between the automated system and the agent system during the first questioning series and the second questioning series (column 6, lines 64-67 – the system contains both an automated response unit (ARU) which works in parallel with a manual operator terminal; upon detection of entry of “0” on the keypad input or detection of non-response, the manual operator intercepts the automated system).

As per **claim 3**, Raissayan et al teaches the second questioning series contains verbatim questions, wherein a related verbatim question is presented only when a response to a previous question meets a specified criterion, and wherein a detailed response to the verbatim question may be given to further explain the response to the previous question (column 8, line 55–60 and column 10, lines 32-65 – caller is diverted through a subprocess for implementing the collect call wherein questions are asked and upon answering another question is asked to collect all pertinent information to make the collect all).

As per **claim 4**, Raissayan et al teaches the system includes a device for recording a verbal response to a verbatim question literally (column 6, lines 35-40 – the system has voice recognition capabilities).

As per **claim 6**, Raissayan et al teaches presenting a first core item question and recording a response to the first core item question purpose (column 8, lines 55-60 – the caller responds to the system offering collect calls by telephone keypad input); interpreting the first core item response (column 55-60 – keypad input is interpreted); presenting at least one drill-

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down question and recording a response to the drill-down question only if the first core item response meets a specified criterion (column 8, line 55–60 and column 10, lines 32–65 – caller is diverted through a subprocess for implementing the collect call wherein questions are asked and upon answering another question is asked to collect all pertinent information to make the collect all); interpreting the response to the drill-down question, and presenting at least one verbatim question and recording a verbal response if the drill-down response is not within a predetermined acceptable response range (column 9, lines 52–59 – if the menu has been repeated a number of times exceeding a preselected threshold, the caller is transferred to a live operator to make a verbal response); and presenting a second core item question and recording a response to the second core item question (column 7, lines 64–67 – the manual operator takes over and presents the options).

As per **claim 8**, Raissayan et al teaches means for performing the method of claim 6 wherein the system is one of an automated questioning and recording system and an agent questioning and recording system, wherein the system is able to switch between the automated system and the agent system during the first questioning series and the second questioning series (column 6, lines 64–67 – the system contains both an automated response unit (ARU) which works in parallel with a manual operator terminal; upon detection of entry of “0” on the keypad input or detection of non-response, the manual operator intercepts the automated system).

As per **claim 9**, Raissayan et al teaches means for using a second series answer to determine if the second series answer is within the acceptable range, wherein if the participant answers the second series answer within the acceptable range, the second series of questions will continue (column 8, lines 56–60 – as the caller responds, the system proceeds through the

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subprocess to implement the call); means for presenting a third series of questions of at least one verbatim question (column 9, lines 52-59 – if the menu has been repeated a number of times exceeding a preselected threshold, the caller is transferred to a live operator to make a verbal response as an indication that the caller needs to speak directly to an operator); and means for receiving a third series of answers responsive to the third series of questions for the input apparatus (column 6, lines 35-40 – the system has voice recognition capabilities).

As per **claim 10**, Raissayan et al teaches a processing system with an attached display and input apparatus as in claim 9, wherein a verbatim is presented when the participant does not answer a second series question within the acceptable range (column 9, lines 52-59 – if the menu has been repeated a number of times exceeding a preselected threshold, the caller is transferred to a live operator to make a verbal response as an indication that the caller needs to speak directly to an operator).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gisby, US 5,943,416 – automated survey control routine in a call center environment

Joseph et al, US 6,807,274 – call routing from manual to automated dialog of interactive voice response system

Bateman et al, US 5,884,032 – system for coordinating communications via customer contact channel changing system using call centre for setting up the call between customer and an available help agent

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Pugh et al, Us 5,414,754 – system for providing proactive call services utilizing remote monitors

Szlam et al, US 5,309,505 – automated voice system for improving agent efficiency and improving service to parties on hold

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Stimpak whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS
11/14/05



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